

Atty Lee, Nini, sole practitioner of Merced (for Petitioner Cha Thae Yang, Guardian of the Estate)

## (1) Second and Final Account and Report of Guardian; (2) Petition to Dispense With Notice and Terminate Guardianship, and (3) Petition for Fees to Attorney

<b>Age: 18 years</b>		<b>CHA THAE YANG</b> , father and Guardian of the Estate, is Petitioner.		<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Note:</b> Order Settling First Amended [First] Account Current and Report of Guardian, etc., filed 7/16/2009 dispensed with future accountings until guardianship of the estate is terminated.
		<b>Account period: 10/1/2008 – 7/31/2013</b>		
		Accounting	- \$26,722.71	
		Beginning POH	- \$25,709.11	
		Ending POH	- \$24,222.71 (all cash)	
<b>Cont. from</b>				
	<b>Aff.Sub.Wit.</b>			
✓	<b>Verified</b>	Guardian	- waives	
	<b>Inventory</b>	Attorney	- \$1,250.00	
	<b>PTC</b>	(per Local Rule 7.16(B)(4), flat fee for timely filed subsequent account.)		
	<b>Not.Cred.</b>			
✓	<b>Notice of Hrg</b>	Costs	- \$435.00 (filing fee)	
✓	<b>Aff.Mail</b>	<b>Petitioner states:</b>		
		<ul style="list-style-type: none"> <li>The minor, who continues to live with his parents and reached age 18 as of 6/28/2013, was a beneficiary of his uncle's life insurance policy, and the guardianship estate was established to hold the funds in a blocked account; the cash was invested in a 9-month CD, with automatic recurring investments at its expiration;</li> <li>The Guardian did not receive bank statements since this was a CD, but duplicate 1099 statements were obtained showing interest payments and the remaining balance as of 8/7/2013; a transaction journal was also obtained (<i>originals attached as Exhibits B and C</i>);</li> <li>Guardian retained Law Offices of Paul Lo for legal representation, and per Court's order on 7/16/2009, Guardian paid <b>\$2,500.00</b> to Law Offices of Paul Lo;</li> <li>On 6/24/2013, Guardian retained Law Office of Nini Lee for legal representation in this matter;</li> <li><b>Petitioner requests</b> that notice be dispensed with for the minor's maternal grandmother, who resides in Laos and her address is unknown; <i>Declaration of Due Diligence</i> was filed by Law Office of Paul Lo on 10/16/2007 and a diligent effort was made to locate her without success [Note: Notice of Hearing filed 9/16/2013 shows all other relatives named in the Petition have seen sent notice.];</li> <li><b>Petitioner requests</b> the Court terminate this guardianship estate.</li> </ul>		
	<b>Aff.Pub.</b>			
	<b>Sp.Ntc.</b>			
	<b>Pers.Serv.</b>			
	<b>Conf. Screen</b>			
	<b>Letters</b>			
	<b>Duties/Supp</b>			
	<b>Objections</b>			
	<b>Video Receipt</b>			
	<b>CI Report</b>			
✓	<b>2620</b>			
✓	<b>Order</b>			
	<b>Aff. Posting</b>			
	<b>Status Rpt</b>			
	<b>UCCJEA</b>			
	<b>Citation</b>			
	<b>FTB Notice</b>			
				<b>Reviewed by:</b> LEG
				<b>Reviewed on:</b> 9/20/13
				<b>Updates:</b>
				<b>Recommendation:</b>
				<b>File 1 - Yang</b>

Atty Walters, Jennifer L. (for Petitioner/Conservator Frances Kennedy)

Atty Rindlisbacher, Curtis D. (Court Appointed for Conservatee)

## Third Account Current and Report of Conservator and Petition for Its Settlement

<b>Age: 76 years</b>		<b>FRANCES KENNEDY</b> , Conservator, is petitioner.  Account period: 7/1/2010 – 12/31/2012  Accounting - <b>\$256,412.82</b> Beginning POH- <b>\$152,807.00</b> Ending POH - <b>\$153,815.66</b>  Current bond is \$10,000.00  Conservator - <b>waives</b>  Attorney - <b>to be paid outside of the conservatorship.</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Continued from 7/23/2013 and 8/27/13. As of 9/23/13 nothing new has been filed and the following issues remain:</b>  1. This conservatorship owes filing fees in the amount of \$355.00 for the filing of the 2 <sup>nd</sup> account (fee waiver was denied).  2. This conservatorship owes court investigations fees totaling \$2,339.00  3. Need Care Facility statements for Camino Alto Residential Club for the period of April 2012 through December 2012 pursuant to Probate Code §2620(c)(5)  4. Receipt schedule includes deposits but does not state the source of the deposits.  5. Petition states the conservatee's home has been rented during this account period. Receipt schedule does not include any rental income.  6. Disbursement schedule does not show any disbursements for the bond premium. Court may require clarification.	
<b>Cont. from 061813, 072313, 082713</b>				
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			
<input checked="" type="checkbox"/>	<b>Verified</b>			
<input type="checkbox"/>	<b>Inventory</b>			
<input type="checkbox"/>	<b>PTC</b>			
<input type="checkbox"/>	<b>Not.Cred.</b>			
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>			
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>			W/
<input type="checkbox"/>	<b>Aff.Pub.</b>			
<input type="checkbox"/>	<b>Sp.Ntc.</b>			
<input type="checkbox"/>	<b>Pers.Serv.</b>			
<input type="checkbox"/>	<b>Conf. Screen</b>			
<input type="checkbox"/>	<b>Letters</b>			
<input type="checkbox"/>	<b>Duties/Supp</b>			
<input type="checkbox"/>	<b>Objections</b>			
<input type="checkbox"/>	<b>Video Receipt</b>			
<input type="checkbox"/>	<b>CI Report</b>			
<input type="checkbox"/>	<b>2620(c)</b>	X		
<input checked="" type="checkbox"/>	<b>Order</b>			
<input type="checkbox"/>	<b>Aff. Posting</b>			
<input type="checkbox"/>	<b>Status Rpt</b>			
<input type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input type="checkbox"/>	<b>FTB Notice</b>			
<b>Petitioner prays for an Order:</b>  1. That the Third Account and Report be approved and settled;  2. The acts of Conservator as shown in the account and report be approved.				
<b>Reviewed by: KT</b>				
<b>Reviewed on: 9/23/13</b>				
<b>Updates:</b>				
<b>Recommendation:</b>				
<b>File 2 - Clover</b>				

**Note:** If the petition is granted, status hearings will be set as follows:

- **Friday, February 27, 2015** at 9:00 a.m. in Department 303, for the filing of the fourth account.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.

**Continued Hearing by Court Re: First Account and Status Report of Personal Representative**

<b>DOD: 05/04/08</b>		<b>DEBRA K. BEATH</b> , Administrator, filed her <b>First Account and Status Report of Personal Representative</b> on 09/30/11.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u><b>CONTINUED FROM 04/23/13 and 07/26/13 Minute Order from 04/23/13 states: The Court notes for the minute order that the issues with Rabobank have been resolved.</b></u>  1.    Need Status Update.  <b>Note:</b> It appears that the First Account and Status Report of Personal Representative is still pending. The Court has never approved the First Account nor has an Order settling the First Account been signed. It is noted that Rabobank, who objected to the First Account, has withdrawn their objections.
<b>Cont. from 042313, 072613</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	<b>An Objection</b> was filed by Rabobank on 12/06/11 and the matter has been continued numerous times.  <b>Notice of Withdrawal of Objections to Request to Reduce Bond, First Account and Status Report, and Supplement to First Account and Status Report of Personal Representative</b> filed 03/26/13 by Rabobank.  <b>Personal Representative's Status Report</b> filed <b>04/11/13</b> states: On 10/23/12, Petitioner filed a status report stating that on 11/14/12, there was a scheduled trustee's foreclosure sale of the real property owned by B & B Riverbend Farms, LLC. Petitioner noted that it would be unlikely that the sale price at the foreclosure sale would be sufficient to pay the secured debt against the property and it was unlikely that B & B Riverbend Farms, LLC would have assets of only nominal value and liabilities far in excess of its assets. The foreclosure sale was postponed because a sale of the real property was arranged. B & B Riverbend Farms, LLC sold its real property for the purchase price of \$2,150,000.00. B & B Riverbend Farms, LLC realized nothing from this sale as the proceeds were applied towards the existing liens. Petitioner and Rabobank, N.A. settled their differences and a written settlement agreement was entered. As a result of the settlement, Rabobank filed its Notice of Withdrawal of Objections on 10/26/13. The estate and its two wholly owned companies remain insolvent. <b>Petitioner expects to file her final accounting and petition to close the estate within the next 90 days.</b>	
<input type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input type="checkbox"/>	<b>Notice of Hrg</b>		
<input type="checkbox"/>	<b>Aff.Mail</b>		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCC/JEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		

**(1) Second and Final Account and Report of Personal Representative and Petition for Its Settlement; (2) for Approval of Personal Representative's Commission and Attorney's Fees; (3) for Termination of Insolvent Estate and (4) Discharge of Personal Representatives Bond (PC 11640)**

<b>DOD: 05/04/08</b>		<b>DEBRA BEATH</b> , Administrator, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. The Petition states that the three distributees will be paid after the costs are reimbursed, however the proposed division does not take into account the payment of those costs and instead divides the entire property on hand three ways. Need clarification.  <b>Note:</b> It appears that the First Account and Status Report of Personal Representative is still pending. The Court has never approved the First Account nor has an Order settling the First Account been signed. It is noted that Rabobank, who objected to the First Account, has withdrawn their objections.
		Account period: 01/01/11 – 06/30/13	
		Accounting - \$14,149.08	
		Beginning POH - \$14,149.08	
		Ending POH - \$11,996.08	
<b>Cont. from</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>	Administrator - \$6,784.78 (statutory)	
<input checked="" type="checkbox"/>	<b>Inventory</b>	Attorney - \$6,784.78 (statutory)	
<input checked="" type="checkbox"/>	<b>PTC</b>	Costs - \$240.08 (filing fees)	
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	Petitioner states that the only assets of the estate (other than the cash) are B & B Riverbend Farms, LLC and LCM Farms, Inc., there are no assets (including goodwill) remaining in either of the companies, except for nominal amounts of cash that will likely be dissipated before the hearing on this petition. Petitioner requests an order authorizing her to dissolve or abandon the companies.	
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>	07/23/08	
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>	Petitioner states that Boos & Associates has billed over \$37,000 to the estate for accounting services, none of which has been paid. It has performed additional services for which it has not billed. Boos & Associates has agreed to reduce its debt to \$6,784.78, the same as the statutory fee.	
<input type="checkbox"/>	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>	Petitioner states that the property on hand is insufficient to pay all of the administration expenses in full. Accordingly, Petitioner proposes to distribute the remaining cash on hand as follows:	
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input checked="" type="checkbox"/>	<b>FTB Notice</b>	Administrator - \$3,999.00 Attorney - \$3,999.00 Boos & Associates - \$3,999.00	

Reviewed by: JF

Reviewed on: 09/24/13

Updates:

Recommendation:

File 3B- Boos

Atty Feigel, Sheldon W., sole practitioner (for Petitioner Diane Pickering, Executor)

## (1) First and Final Account and Report of Executor and (2) Request for Attorney's Fees

<b>DOD: 8/29/2008</b>		<b>DIANE PICKERING</b> , friend, Executor and Trustee of the <b>MILDRED PEARL RANCILIO LIVING TRUST</b> , is Petitioner.  <b>Account period: 8/29/2008 – 8/1/2013</b> Accounting - <b>\$142,515.08</b> Beginning POH - <b>\$117,519.17</b> Ending POH - <b>\$142,515.08</b> <i>(all cash)</i>  Executor - <b>waives</b>  Attorney - <b>\$5,275.45</b> <i>(statutory)</i>  Costs - <b>\$615.00</b> <i>(filing fee, publication, certified copies)</i>  <b>Distribution pursuant to Decedent's Will is to:</b>  <b>DIANE PICKERING</b> , Trustee of the <b>MILDRED PEARL RANCILIO LIVING TRUST</b> – entire estate consisting of <b>\$136,624.63</b> cash.	<b>NEEDS/PROBLEMS/COMMENTS:</b>	
<b>Cont. from</b>				
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			
<input checked="" type="checkbox"/>	<b>Verified</b>			
<input checked="" type="checkbox"/>	<b>Inventory</b>			
<input checked="" type="checkbox"/>	<b>PTC</b>			
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>			
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>			
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>			W/
<input type="checkbox"/>	<b>Aff.Pub.</b>			
<input checked="" type="checkbox"/>	<b>Sp.Ntc.</b>			W/
<input type="checkbox"/>	<b>Pers.Serv.</b>			
<input type="checkbox"/>	<b>Conf. Screen</b>			
<input type="checkbox"/>	<b>Letters</b>			011309
<input type="checkbox"/>	<b>Duties/Supp</b>			
<input type="checkbox"/>	<b>Objections</b>			
<input type="checkbox"/>	<b>Video Receipt</b>			
<input type="checkbox"/>	<b>CI Report</b>			
<input checked="" type="checkbox"/>	<b>9202</b>			
<input checked="" type="checkbox"/>	<b>Order</b>			
<input type="checkbox"/>	<b>Aff. Posting</b>			
<input type="checkbox"/>	<b>Status Rpt</b>			
<input type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input checked="" type="checkbox"/>	<b>FTB Notice</b>			
			<b>Reviewed by:</b> LEG	
			<b>Reviewed on:</b> 9/20/13	
			<b>Updates:</b> 9/25/13	
			<b>Recommendation:</b> SUBMITTED	
			<b>File 4 - Rancillio</b>	

		<p><b>JOAN ST. LOUIS</b> is the Successor Conservator of the Person and Estate.</p> <p><b>The Court set this Review Hearing</b> due to concerns brought to the Court's attention at the most recent Court Investigator's visit.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Confidential</b></p>	
<input type="checkbox"/>	Aff.Sub.Wit.			<input type="checkbox"/>
<input type="checkbox"/>	Verified			<input type="checkbox"/>
<input type="checkbox"/>	Inventory			<input type="checkbox"/>
<input type="checkbox"/>	PTC			<input type="checkbox"/>
<input type="checkbox"/>	Not.Cred.			<input type="checkbox"/>
<input type="checkbox"/>	Notice of Hrg			<input type="checkbox"/>
<input type="checkbox"/>	Aff.Mail			<input type="checkbox"/>
<input type="checkbox"/>	Aff.Pub.			<input type="checkbox"/>
<input type="checkbox"/>	Sp.Ntc.			<input type="checkbox"/>
<input type="checkbox"/>	Pers.Serv.			<input type="checkbox"/>
<input type="checkbox"/>	Conf. Screen			<input type="checkbox"/>
<input type="checkbox"/>	Letters			<input type="checkbox"/>
<input type="checkbox"/>	Duties/Supp			<input type="checkbox"/>
<input type="checkbox"/>	Objections			<input type="checkbox"/>
<input type="checkbox"/>	Video Receipt			<input type="checkbox"/>
<input type="checkbox"/>	CI Report			<input type="checkbox"/>
<input type="checkbox"/>	9202			<input type="checkbox"/>
<input type="checkbox"/>	Order			<input type="checkbox"/>
<input type="checkbox"/>	Aff. Posting			<input type="checkbox"/>
<input type="checkbox"/>	Status Rpt	<input type="checkbox"/>		
<input type="checkbox"/>	UCCJEA	<input type="checkbox"/>		
<input type="checkbox"/>	Citation	<input type="checkbox"/>		
<input type="checkbox"/>	FTB Notice	<input type="checkbox"/>		
			Reviewed by: skc	
			Reviewed on: 9-23-13	
			Updates:	
			Recommendation:	
			File 5 - Bingham	

Atty Dowling, Michael; Burnside, Leigh; Matlak, Steven; of Dowling Aaron (for Petitioner Barbara L. Pearson, Successor Trustee)

Atty Werner, David D., Field, Stefanie; of Gresham Savage Nolan & Tilden, Riverside (for Objector Tracy Spreier, Beneficiary)

## Status Conference

Frank DOD: 8/15/2006		<p><b>BARBARA L. PEARSON</b>, Trustor's daughter, Trust Beneficiary and Successor Trustee of the <b>FRANK H. LABREE IRREVOCABLE TRUST</b>, filed on 10/5/2012 a <b>Petition for Settlement of First Account and Report of Trustee of the Frank H. LaBree Irrevocable Trust</b>, which was set for hearing on 11/29/2012.</p> <p><b>TRACY SPREIER</b>, Trustor's daughter and Trust Beneficiary, filed on 11/16/2012 an <b>Objection to the Petition for Settlement of First Account and Report of Trustee</b>, alleging self-dealing and breach of fiduciary duties by the Trustee.</p> <p><b>Joint Status Report filed 9/25/2013 by Attorney Burnside for Petitioner Barbara Pearson, with signature of Attorney Werner for Objector Tracy Spreier, states:</b></p> <ul style="list-style-type: none"> <li>Ms. Spreier's Objection included (a) Ms. Pearson's reduction of the interest rate of two loans she made from the Trust, one loan to herself and one loan to her daughter, SHANNON BADELLA; (b) Ms. Pearson's travel expenses in the amount of <b>\$1,379.84</b>; and (c) the lack of an explanation as to why Ms. Pearson did not collect any trustee compensation for 2010 or 2011;</li> <li>In response to Ms. Spreier's <i>Objection</i>, Ms. Pearson filed a Reply on 11/26/2012, addressing issues raised in the <i>Objection</i>;</li> <li>As a result of the additional information provided by Petitioner's attorneys, discovery undertaken by the parties, and further discussions regarding the nature and merit of the parties' competing arguments, the parties have reached a resolution of their dispute, both in this proceeding and in the related matter of the <i>Labree Family Trust</i>, Case 12CEPR00628;</li> <li>Pursuant to the terms of the resolution, Ms. Spreier will be withdrawing her Objections to Ms. Pearson's First Account and Report of the Frank H. LaBree Irrevocable Trust dated 3/26/1992;</li> <li>Petitioner's counsel has circulated a draft stipulation and stipulated order in the related matter of the <i>Labree Family Trust</i>, Case 12CEPR00628, and the parties anticipate those documents will be completed, signed and presented to the Court no later than <b>10/4/2013</b>.</li> </ul>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Page 6B</b> is the <i>Petition for Settlement of First Account and Report of Trustee of the LaBree Family Trust</i>.</p> <p><b>Pages 8A and 8B</b> are the related matters in the <i>LaBree Family Trust</i> (12CEPR00628).</p> <p><b>Continued from 8/30/2013.</b> Minute Order states Mr. Werner is appearing via Courtcall. Ms. Burnside advises the Court that they may have an agreement, but it hasn't been reduced to writing. Counsel is directed to file a joint status report before the next hearing [9/26/2013.]</p> <p>1. Need joint status report for 9/26/2013 hearing.—Filed 9/25/2013.</p>
Roberta DOD: 3/25/2012			
Cont. from 011813, 032213, 051013, 062813, 083013			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
✓	Status Rep		
	Notc of Hrg		
✓	Aff.Mail	W /	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/S		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 9/20/13</p> <p><b>Updates:</b> 9/25/13</p> <p><b>Recommendation:</b></p> <p><b>File 6A - LaBree</b></p>	



Atty Dowling, Michael; Burnside, Leigh; Matlak, Steven; of Dowling Aaron (for Petitioner Barbara L. Pearson, Successor Trustee)

Atty Werner, David D., Field, Stefanie; of Gresham Savage Nolan & Tilden, Riverside (for Objecter Tracy Spreier, Beneficiary)

Petition for Settlement of First Account and Report of Trustee of the Frank H. LaBree Irrevocable Trust Dated March 26, 1992 [Cal. Prob. C. 1064(a), 17200, 17200(b)(5), CRC., Rule 7.902]

Frank DOD: 8/15/2006		<b>BARBARA L. PEARSON</b> , Trustor's daughter, Trust Beneficiary and Successor Trustee of the <b>FRANK H. LABREE IRREVOCABLE TRUST</b> , is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
Roberta DOD: 3/25/2012			
Cont. from 112912, 011813, 032213, 051013, 062813, 083013		Account period: 10/10/2008 – 12/31/2011	<u>Continued from 8/30/2013.</u> Minute Order states Mr. Werner is appearing via Courtcall.
	Aff.Sub.Wit.	Accounting - <b>\$456,694.10</b>	
✓	Verified	Beginning POH - <b>\$421,894.79</b>	<b>Note:</b> Additional notes pages originally prepared for this <i>Petition</i> have been omitted.
	Inventory	Ending POH - <b>\$423,435.60</b> (\$334,115.35 is cash)	
	PTC	Trustee (Initial) - <b>\$3,510.00</b> (services prior to 10/10/2008 for initial Trustee, paid to Law Offices of Earl O. Bender)	
	Not.Cred.	Trustee (Current) - <b>\$600.00</b> (paid)	
✓	Notice of Hrg	Trustee Costs - <b>\$1,379.84</b> (paid) (reimbursement of 2010 travel expense)	
✓	Aff.Mail	Attorney - Not requested	
	Aff.Pub.	Accountant - <b>\$615.00</b> (paid) (to Erickson & Assoc., CPAs, as itemized in Disbursements schedule; Petitioner is employed by Erickson & Assoc.)	
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
✓	Objections	<b>Petitioner states:</b>	
	Video Receipt	<ul style="list-style-type: none"> <li><b>FRANK H. LABREE, Jr.</b>, created the <b>FRANK H. LABREE IRREVOCABLE TRUST</b> on 3/26/1992, which was funded initially by a life insurance policy on Frank (copy of Trust Agreement attached as Exhibit A);</li> <li>The initial Trustee was <b>EARL O. BENDER</b>, who resigned on 10/9/2008, and Petitioner succeeded as trustee; Petitioner is a resident of Auberry, California;</li> <li>....</li> </ul>	
	CI Report		
	9202		
	Order	X	
	Aff. Posting		<b>Reviewed by:</b> LEG
	Status Rpt		<b>Reviewed on:</b> 9/20/13
	UCCJEA		<b>Updates:</b>
	Citation		<b>Recommendation:</b>
	FTB Notice		<b>File 6B – Labree</b>

(1) First and Final Account and Report of Executor and Petition for Settlement, (2)  
for Allowance of Compensation for Ordinary Services and (3) for Final Distribution  
[Prob. C. 10400]

<b>DOD: 7/27/2012</b>		<b>ARLEY R. ROBINSON</b> , Executor, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Disbursement schedule includes payments to Susan McElhinny attorney, professional fees in the sum of \$100.00. California Rules of Court, Rule 7.700 states the personal representative must neither pay, nor receive and the attorney for the personal representative must not receive, statutory compensation or fees for extraordinary services in advance of a court order of the court authorizing their payment. – Supplemental Petition filed on 9/5/13 states this charge was a consultation fee only that Petitioner incurred with regard to the potential of and prior to this probate matter.
		Account period: 7/27/12 – 6/6/13	
		Accounting - <b>\$188,880.33</b>	
		Beginning POH - <b>\$177,192.99</b>	
		Ending POH - <b>\$168,643.40</b>	
<b>Cont. from 080113</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input checked="" type="checkbox"/>	<b>Inventory</b>		
<input checked="" type="checkbox"/>	<b>PTC</b>		
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	W/O	
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>	1/14/2013	
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input checked="" type="checkbox"/>	<b>FTB Notice</b>		
		<b>Attorney</b> - <b>\$6,666.41</b> (statutory)  <b>Attorney costs</b> - <b>\$863.73</b> (filing fees, certified copies, Publication)  <b>Executor</b> - <b>Waives</b>  <b>Distribution, pursuant to Decedent's Will, is to:</b>  Jimmy Drew Robinson – Two parcels of real property.  Arley R. Robinson – 1998 Dodge Stratus.	
			<b>Reviewed by: KT</b> <b>Reviewed on: 9/23/2013</b> <b>Updates: 9/25/13</b> <b>Recommendation:</b> <b>File 4 - Robinson</b>

Atty Dowling, Michael; Burnside, Leigh; Matlak, Steven; of Dowling Aaron (for Petitioner Barbara L. Pearson, Successor Trustee)

Atty Werner, David D., Field, Stefanie; of Gresham Savage Nolan & Tilden, Riverside (for Objector Tracy Spreier, Beneficiary)

## Status Conference

Frank DOD: 8/15/2006		<b>BARBARA L. PEARSON</b> , Trustors' daughter, Trust Beneficiary and Successor Trustee of the <b>LABREE FAMILY TRUST dated 4/13/1981</b> , filed on 10/5/2012 a <b>Petition for Settlement of First Account and Report of Trustee of the LaBree Family Trust</b> , which was set for hearing on 11/29/2012.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Page 8B</b> is the <i>Petition for Settlement of First Account and Report of Trustee of the LaBree Family Trust</i> .  <b>Pages 6A and 6B</b> are the related matters in the <i>Frank H. LaBree Irrevocable Trust</i> (12CEPR00893.)  <b>Continued from 8/30/2013.</b> Minute Order states Mr. Werner is appearing via Courtcall. Ms. Burnside advises the Court that they may have an agreement, but it hasn't been reduced to writing. Counsel is directed to file a joint status report before the next hearing [9/26/2013.]  1. Need joint status report for 9/26/2013 hearing.—Filed 9/25/2013.
Roberta DOD: 3/25/2012			
Cont. from 011813, 032213, 051013, 062813, 083013		<b>TRACY SPREIER</b> , Trustors' daughter and Trust Beneficiary, filed on 11/16/2012 <b>Objections to the Petition for Settlement of First Account and Report of Trustee of the LaBree Family Trust</b> , alleging self-dealing and breach of fiduciary duties by the Trustee.	
Aff.Sub.Wit.			
✓ Verified		<b>Joint Status Report filed 9/25/2013 by Attorney Burnside for Petitioner Barbara Pearson, with signature of Attorney Werner for Objector Tracy Spreier, states:</b>  • Ms. Spreier's Objected to, among other things, (a) the inclusion in the accounting of a diamond ring that Ms. Spreier received from the deceased Co-Settlor, Roberta LaBree, prior to Ms. LaBree's death; (b) the alleged value of said diamond ring and Ms. Pearson's reliance on an appraisal; (c) Ms. Pearson's payment, from Trust funds, for an appraisal of certain real property that had been gifted by the deceased Co-Settlor, Roberta LaBree, to her three daughters in 2010; (d) Ms. Pearson's payment for an appraisal of Trust real property that she ultimately decided not to use in valuing the real property; (e) Ms. Pearson's liquidation of certain Trust investments; (f) Ms. Pearson's use of Trust funds to pay for expenses related to Roberta LaBree's funeral; (g) the compensation received by Ms. Pearson for services provided by her as Successor Trustee; and (h) the compensation paid by Ms. Pearson to her attorneys, Dowling Aaron, for services provided by the firm to Ms. Pearson as Successor Trustee;	
Inventory			
PTC			
✓ Status Rep			
Notice of Hrg			
✓ Aff.Mail	W /		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/S			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

~Please see additional page~

Reviewed by: LEG

Reviewed on: 9/20/13

Updates: 9/25/13

Recommendation:

File 8A - LaBree

**Joint Status Report filed 9/25/2013, continued:**

- On 11/14/2012, Ms. Pearson filed a Declaration in which she detailed the services provided by her during the account period and for which she has requested compensation of **\$25,055.50**;
- Subsequently, on 11/26/2012, Ms. Pearson filed a Reply addressing many of the issues raised in the Objection;
- On 12/14/2012, her attorneys filed a Declaration detailing the services provided by them on behalf of Ms. Pearson;
- Ms. Pearson subsequently filed a further Declaration on 1/15/2013, detailing the services provided by her and for which she has already received compensation in the amount of **\$14,302.50**;
- As a result of the additional information provided by Petitioner's attorneys, discovery undertaken by the parties, and further discussions regarding the nature and merit of the parties' competing arguments, the parties have reached a resolution of their dispute;
- Petitioner's counsel has circulated a draft stipulation and stipulated order in the related matter of the *LaBree Family Trust*, Case 12CEPR00628, and the parties anticipate those documents will be completed, signed and presented to the Court no later than **10/4/2013**.

Atty Dowling, Michael; Burnside, Leigh; Matlak, Steven; of Dowling Aaron (for Petitioner Barbara L. Pearson, Successor Trustee)

Atty Werner, David D., Field, Stefanie; of Gresham Savage Nolan & Tilden, Riverside (for Objector Tracy Spreier, Beneficiary)

**Petition for Settlement of First Account and Report of Trustee of the LaBree Family Trust; and Approval of Trustee Fees [Cal. Prob. C. 1064(a), 17200, 17200(b)(5), CRC., Rule 7.902]**

Frank DOD: 8/15/2006		<b>BARBARA L. PEARSON</b> , Trustors' daughter, Trust Beneficiary and Successor Trustee of the <b>LABREE FAMILY TRUST</b> , is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
Roberta DOD: 3/25/2012			
Cont. from 112912, 011813, 032213, 051013, 062813, 083013		Account period: 3/25/2011 – 2/29/2012	<u><b>Continued from 8/30/2013.</b></u> Minute Order states Mr. Werner is appearing via Courtcall.
<input type="checkbox"/>	Aff.Sub.Wit.	Accounting - <b>\$1,735,662.68</b>	
<input checked="" type="checkbox"/>	Verified	Beginning POH - <b>\$1,627,499.40</b>	<p><b>Note:</b> Additional notes pages originally prepared for this Petition have been omitted.</p>
<input type="checkbox"/>	Inventory	Ending POH - <b>\$1,563,236.09</b>	
<input type="checkbox"/>	PTC	(\$1,899,065.77 is cash; cash balance exceeds ending property on hand balance due to negative \$518,182.00 amount held in constructive trust by Trustee for the benefit of the Frank H. LaBree Exemption Trust.)	
<input type="checkbox"/>	Not.Cred.	Trustee - <b>\$25,066.50</b>	
<input checked="" type="checkbox"/>	Notice of Hrg	(per Declaration filed 11/14/2012 containing itemization for 294.90 hours @ \$85.00/hour. NOTE: Trustee has previously been paid compensation of <b>\$14,302.50</b> (not itemized) from the Trust for this account period without court order per Trust terms entitling Trustee to reasonable compensation for services rendered as Trustee; )	
<input checked="" type="checkbox"/>	Aff.Mail	Attorney - <b>\$53,312.30</b> (paid)	
<input type="checkbox"/>	Aff.Pub.	(to Dowling Aaron & Keeler/Dowling Aaron, as listed in Disbursements schedule; not itemized other than for legal fees)	
<input type="checkbox"/>	Sp.Ntc.	Accountant - <b>\$1,405.00</b> (paid)	
<input type="checkbox"/>	Pers.Serv.	(to Erickson & Assoc., CPAs, as itemized in Disbursements schedule; Petitioner is employed by Erickson & Assoc.)	
<input type="checkbox"/>	Conf. Screen	<b>Petitioner states:</b>	
<input type="checkbox"/>	Letters	<ul style="list-style-type: none"> <li><b>ROBERTA LABREE</b> and <b>FRANK H. LABREE, Jr.</b>, created the <b>LABREE FAMILY TRUST</b> on 4/13/1981, as amended on 5/2/1984, and as amended in full on 12/20/1991, and were the original co-trustees until Frank's death on 8/15/2006, when Roberta became the sole Trustee, and the Trust served as the Survivor's Trust for Roberta;</li> </ul>	
<input type="checkbox"/>	Duties/Supp	<ul style="list-style-type: none"> <li>....</li> </ul>	
<input checked="" type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	X	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<b>Reviewed by:</b> LEG	
		<b>Reviewed on:</b> 9/20/13	
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 8B - LaBree</b>	

**Petition for Probate of Will and for Letters Testamentary; Authorization to  
Administer Under IAEA (Prob. C. 8002, 10450)**

<b>DOD: 04/18/2013</b>		<b>BRENT KENNETH WISE</b> , son/named executor without bond, is petitioner.  Full IAEA – o.k.  Will dated: 04/16/2013  Residence: Fresno Publication: The Business Journal  <b>Estimated value of the Estate:</b> Personal property      \$73,171.55 Real property            \$165,920.33 <b>Total</b> <b>\$239,091.88</b>  Probate Referee: Rick Smith	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>The following issues still remain:</b>  1. Need date of death of decedent's spouse pursuant to Local Rule 7.1.1D.  2. Witnesses of the will did not date their signatures.  3. #3(e)2 of the Petition states that the will was dated 08/23/2004 however the will was dated 04/16/2013.  4. #5b of the petition indicates that the decedent was survived by a stepchild or foster child or children who would have been adopted by decedent however they are not listed on #8 of the petition.  5. Need Duties & Liabilities.  6. Need Confidential Supplement to Duties & Liabilities.  7. Need Order.  8. Need Letters.  <b>Note: If the petition is granted status hearings will be set as follows:</b>  • <b>Friday, 02/28/2014 at 9:00a.m. in Dept. 303</b> for the filing of the inventory and appraisal <u>and</u>  • <b>Friday, 12/05/2014 at 9:00a.m. in Dept. 303</b> for the filing of the first account and final distribution.  Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.	
<b>Cont. from 08/29/2013</b>				
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			s/p
<input checked="" type="checkbox"/>	<b>Verified</b>			
<input type="checkbox"/>	<b>Inventory</b>			
<input type="checkbox"/>	<b>PTC</b>			
<input type="checkbox"/>	<b>Not.Cred.</b>			
<input type="checkbox"/>	<b>Notice of Hrg</b>			n/a
<input type="checkbox"/>	<b>Aff.Mail</b>			n/a
<input checked="" type="checkbox"/>	<b>Aff.Pub.</b>			
<input type="checkbox"/>	<b>Sp.Ntc.</b>			
<input type="checkbox"/>	<b>Pers.Serv.</b>			
<input type="checkbox"/>	<b>Conf. Screen</b>			
<input type="checkbox"/>	<b>Letters</b>			x
<input type="checkbox"/>	<b>Duties/Supp</b>			x
<input type="checkbox"/>	<b>Objections</b>			
<input type="checkbox"/>	<b>Video Receipt</b>			
<input type="checkbox"/>	<b>CI Report</b>			
<input type="checkbox"/>	<b>9202</b>			
<input type="checkbox"/>	<b>Order</b>			x
<input type="checkbox"/>	<b>Aff. Posting</b>			
<input type="checkbox"/>	<b>Status Rpt</b>			
<input type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input type="checkbox"/>	<b>FTB Notice</b>			
<b>Reviewed by: LV</b>				
<b>Reviewed on: 09/23/2013</b>				
<b>Updates:</b>				
<b>Recommendation:</b>				
<b>File 9 – Wise</b>				

Atty Bettencourt, Manuel L., of Henry, Logoluso & Blum (for Petitioner Betty Farmer, mother)  
 Atty Porter, Tres, sole practitioner (for Objector Jeff Hendricks, spouse)  
 Atty Boyett, Deborah (Court-appointed for Conservatee)

**Petition for Appointment of Probate Conservator of the Person and Estate (Prob. C.  
 1820, 1821, 2680-2682)**

<b>Age: 45 years</b>		<b>BETTY FARMER</b> , mother, is Petitioner and requests appointment as Conservator of the Person with medical consent and dementia powers to administer dementia medications; and as Conservator of the Estate with bond set at <b>\$37,500.00</b> .  <b>Estimated Value of the Estate:</b> Personal property - <b>\$20,000.00</b> Annual income - <b>\$17,500.00</b> <b>Total - \$37,500.00</b> <i>(1/2 interest in real property excluded)</i>  <b>Capacity Declaration of Don Yoshimura, M.D., filed 9/18/2013.</b>  <b>Capacity Declaration of Michele Russell, Ph.D., filed 9/18/2013.</b>  <b>Voting Rights Affected.</b>  <b>Petitioner states</b> the proposed Conservatee has been diagnosed with Early Onset Alzheimer's Dementia and Major Depressive Disorder, and she suffers from extreme memory and cognitive impairment, for which she requires medications. Petitioner states as the proposed Conservatee's medical conditions are genetic and expected to worsen, her treating physicians have recommended that her family members assume primary responsibility for her financial and health care risks, and that due to safety issues, the proposed Conservatee should have someone with her at all times; <p align="center"><b>~Please see additional page~</b></p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Court Investigator Advised Rights on 9/18/2013.</b>  <b>Voting Rights Affected – Need Minute Order.</b>  1. Bond is required in the sum of <b>\$41,250.00</b> pursuant to Probate Code § 2320 and CA Rule of Court 7.207. (Petitioner's requested amount is insufficient per the Code.)  2. Item 7 of the <i>Capacity Declaration</i> of Michele Russell, Ph.D., filed 9/18/2013, re: medical consent powers is incomplete at 7(b) in the space that must contain the physician's initials. (However, <i>Capacity Declaration</i> of Don Yoshimura, M.D., filed 9/18/2013 suffices as the required physician's declaration pursuant to Probate Code § 1890(c).)  Please see Fifth Additional Page for Petitioner's Objection to Jeff Hendricks' Declaration.
<b>Cont. from</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input checked="" type="checkbox"/>	<b>Pers.Serv.</b>	<small>Ackn. Rcpt.</small>	
<input checked="" type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>		
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>		
<input checked="" type="checkbox"/>	<b>Objections</b>		
<input checked="" type="checkbox"/>	<b>Video Receipt</b>		
<input checked="" type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input checked="" type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
		<b>Reviewed by:</b> LEG <b>Reviewed on:</b> 9/23/13 <b>Updates:</b> 9/24/13; 9/25/13 <b>Recommendation:</b> <b>File 10 – Hendricks</b>	

**Petitioner states, continued:**

- On multiple occasions the proposed Conservatee has sought the assistance of Petitioner for purposes of having Petitioner set up and transport her to medical appointments; Petitioner currently serves as the proposed Conservatee's primary caregiver, and accompanies her on all of her medical appointment to ensure she obtains the necessary and proper medical examinations, treatment and medications;
- Based upon Petitioner's own knowledge and experience in assisting the proposed Conservatee, she requires around the clock assistance with her daily activities in order to protect her health and safety, including bathing (controlling water temperatures), cooking (operating stoves, ovens), and operating other electrical appliances (iron, curling iron);
- The proposed Conservatee is co-owner of real property, and due to her mental and medical conditions she is not capable of performing or understanding the necessary duties as an owner of real property;
- It is in the proposed Conservatee's best interest to allow Petitioner to perform all necessary functions as co-owner of the proposed Conservatee's real property, including but not limited to entering into contracts, commencement of any necessary legal actions, and maintenance and upkeep of said real property;
- Based upon the proposed Conservatee's current mental and medical conditions, the proposed Conservatee is substantially unable to manage her financial resources and resist fraud or undue influence; on multiple occasions the proposed Conservatee has sought the assistance of Petitioner for the purposes of having Petitioner manage her financial accounts and requesting that Petitioner arrange for the payment of proposed Conservatee's bills.

**Petitioner requests** independent powers under Probate Code § 2590 be granted, with specific powers per Probate Code § 2591 as follows, including the reasons for the requests:

- **2591(c)(1) - Power to sell real or personal property without confirmation of the Court, other than personal residence of proposed Conservatee; and 2591(c)(2) - Power to sell at public or private sale the personal residence of the conservatee without confirmation of court of the sale [emphasis added]:** Proposed Conservatee is co-owner of real property, and due to her mental and medical conditions, Petitioner believes the proposed Conservatee may soon require full time assistance for her care and medical treatment, and due to the high costs associated with such care, as well as the requirement to exhaust all resources prior to obtaining governmental assistance, Petitioner believes it may become necessary to sell the property of the proposed Conservatee in order to obtain the necessary care for the proposed Conservatee;
- **2591(d) - Power to create by grant or otherwise easements and servitudes:** same reasons as stated above; sale of the real property may require granting of easement or other servitude;
- **2591(e) - Power to borrow money:** same reasons as stated above; due to high costs associated with care of proposed Conservatee, it may become necessary to obtain liquid funds to pay for such care by utilizing proposed Conservatee's real property as security to obtain loans;
- **2591(f) - Power to give security for the repayment of loan:** same reasons as stated above; due to high costs associated with care of proposed Conservatee, it may become necessary to obtain liquid funds to pay for such care by utilizing proposed Conservatee's real property as security to obtain loans;
- **2591(g) – Power to purchase real or personal property:** same reasons as stated above; proposed Conservatee's limitations and ailments make it evident that sale of her real property will likely be necessary to optimize the proposed Conservatee's care and maintenance; [sic]

**~Please see additional page~**



**Petitioner requests independent powers under Probate Code § 2590, continued:**

- **2591(l) – Power to sell property of the estate on credit if any unpaid portion of the selling price is adequately secured:** Petitioner believes the proposed Conservatee may soon require full time assistance for her care and medical treatment, and due to the high costs associated with such care, as well as the requirement to exhaust all resources prior to obtaining governmental assistance, Petitioner believes it may become necessary to sell the property of the proposed Conservatee in order to obtain the necessary care for the proposed Conservatee;
- **2591(m) – Power to commence and maintain an action for partition:** same reasons as stated above; as the proposed Conservatee is only a co-owner of the real property, it may become necessary to seek a partition of the real property in order to sell the proposed Conservatee's interest;
- **2591(p) – Power to pay, collect, compromise, or otherwise adjust claims, debts or demands upon the conservatorship described in 2501(a), 2502, or 2504, or to arbitrate any dispute described in 2406:** Petitioner is unaware of the number or value of any claims, debts, or demands which may be presented upon the proposed Conservatee seeking payment; due to the proposed Conservatee's mental and medical conditions, Petitioner believes the proposed Conservatee is not in a condition to pay, collect, compromise, or otherwise adjust any such claims, debts or demands without assistance.

**Objection to Petition for Conservatorship of Teresa Hendricks filed by JEFF HENDRICKS, husband, on 9/17/2013 states:**

- He is the husband and [named agent] on Power of Attorney for the proposed Conservatee;
- He and proposed Conservatee were married on 6/11/1988;
- Petitioner, mother of proposed Conservatee, along with the proposed Conservatee's sister, **CHRISTINA RODRIGUEZ**, have been assisting him with the daily care necessary for proposed Conservatee;
- On 6/25/2013, the proposed Conservatee executed an advance Health Care Directive and a Durable General Power of Attorney for Asset Management with the assistance of legal counsel (*copies attached to Declaration of Jeff Hendricks in Support of Objection, attached as Exhibits A and B*);
- In said documents, proposed Conservatee directed that her husband, Jeff Hendricks, act as her agent in all relevant matters in the event she is incapable of giving informed consent;
- In both documents, Jeff Hendricks is listed as the proposed Conservatee's first choice as conservator, followed by their son, **WYATT LANE HENDRICKS**, in the event Jeff is unable to serve;
- Pursuant to Probate Code §§ 1810 and 1812, the Objector should be given preference in order of appointment as conservator in the event that a conservatorship of the person or estate is deemed necessary or proper by the Court;
- Jeff Hendricks has been married to the proposed Conservatee for more than 25 years and is the proposed Conservatee's nominated power of attorney for both financial and medical decisions; further, pursuant to Probate Code § 4126, the proposed Conservatee's nomination in the durable power of attorney should be considered by the Court;
- Further, as detailed in the *Declaration of Jeff Hendricks*, he is more physically capable of taking care of the proposed Conservatee and is much more familiar with the financial needs and dealings of the proposed Conservatee;

**~Please see additional page~**

**Objection to Petition by Jeff Hendricks filed 9/17/2013, continued:**

- Objector concurs that the proposed Conservatee is unable to provide for her own needs; however, with an Advance Health Care Directive and a Durable Power of Attorney currently in place, Jeff Hendricks is capable of assisting the proposed Conservatee, just as he has been doing for the past 25 years;
- Objector readily concedes that Petitioner and proposed Conservatee's sister have assisted Objector and the proposed Conservatee by having the proposed Conservatee spend the workday with them while Objector has gone to work; it is also conceded that the proposed Conservatee's mental awareness and ability has declined at an increased rate over the past couple of months; if these family members are no longer willing to assist with the daily care of the proposed Conservatee, then Objector will make alternate arrangements, but it does **not** *[emphasis in original]* mean that conservatorship is necessary or justified in this case;
- The instant *Petition* requests authority to sell the jointly owned real property of Objector and proposed Conservatee, so sell jointly owned personal property; to create grants or servitudes, to borrow money; to grant security for loans; to purchase property; to sell property on credit; to commence and maintain an action for partition; and to pay, collect, compromise, or otherwise adjust claims, debts, or demands; these are all powers that the Objector, by virtue of his status as the proposed Conservatee's spouse and by the existence of the Advance Health Care Directive and a Durable General Power of Attorney, currently possesses and is in a superior position to that of the proposed Conservator to perform;
- The instant request for conservatorship of the person and estate is unnecessary; however, if the Court were to believe such conservatorship were to be in the best interest of the proposed Conservatee, then Objector Jeff Hendricks as the party's spouse and by virtue of the writings executed by the proposed Conservatee should have priority and be appointed instead of Petitioner;
- **Objector requests** that this Court deny the instant *Petition*; alternatively, Objector would request that he be allowed to file his own petition for appointment if it is determined by this Court that the best interest of the proposed Conservatee requires that someone be appointed.

***Declaration of Jeff Hendricks in Support of Objection to Petition for Conservatorship of Teresa Hendricks states:***

- The Petitioner is his mother-in-law and mother of proposed Conservatee, and over the course of the last several months, Petitioner and the proposed Conservatee's sister, **CHRISTINA RODRIGUEZ**, have been assisting him with the daily care necessary for his wife ("Terrie"); he agrees that his wife is not currently capable of providing for her own needs;
- Last year, he and Terrie were living and working in Kentucky; after Terrie lost her job, they moved back to California in March of 2012 and Terrie was put on disability;
- He started working again in the summer of 2012, and began taking Terrie to either Petitioner's home or Christina's home for them to watch Terrie while he was at work;
- On 8/9/2013, he dropped Terrie off at Christina's home in the morning; that evening, he had a voice mail from Terrie's brother, **MICHAEL LABRIE**, who informed him that Terrie felt threatened by him and that Terrie was going to stay with him and that they would be filing a restraining order and for divorce;
- Since 8/9/2013, he has not seen or been allowed by Terrie's family to speak directly to Terrie; he has called the Sheriff's Office and personally went to the Sheriff's department, and was informed that Sheriff's deputies had spoken to Terrie on the phone and she was fine;

***~Please see additional page~***

***Declaration of Jeff Hendricks in Support of Objection to Petition for Conservatorship of Teresa Hendricks, continued:***

- He was informed that their son, **WYATT HENDRICKS**, went to see Terrie at Petitioner's home ~1 week ago; upon arriving, Wyatt was told he could not enter the home of Petitioner, his grandmother, and was allowed to speak to Terrie only in the backyard, with Petitioner intently overseeing the conversation from the back door; Wyatt was told by Petitioner's husband not to mention "going home" to Terrie because it would upset her; Terrie told Wyatt she missed him [Jeff] and wanted to come home;
- Terrie receives **~\$1,485.00** per month in disability; it is his belief that Petitioner has instigated the instant conservatorship action solely to obtain control of such funds and to possibly force a sale of our family home;
- While Petitioner, along with Terrie's brother and sister, have been a help to him in caring for Terrie over the last year, his relationship with Terrie's family has been tense for the majority of their marriage;
- If Terrie's family is no longer willing to assist with her daily care, then he will make alternate arrangements, but it does **not** *[emphasis in original]* mean that conservatorship is necessary or justified in this case;
- He has loved and cared for Terrie for more than 25 years and will continue to do so to the best of his ability with or without the help of Terrie's mother, brother or sister; it is shocking and disturbing that he is now being accused by her family of threatening or harming her;
- He believes the instant request for conservatorship of the person and estate of Terrie is unnecessary and motivated entirely by greed and animosity towards him on the part of Petitioner;
- However, if the Court were to believe such a conservatorship were to be in the best interest of the proposed Conservatee, then it is his understanding that he as Terrie's husband and by virtue of being nominated in her power of attorney documents should have priority and be appointed ahead of Petitioner; if the Court feels otherwise, then he would ask that either the **PUBLIC GUARDIAN** or their son, **WYATT HENDRICKS**, be appointed ahead of Petitioner;
- In addition to questioning her motives, he has sincere doubts as to whether Petitioner is physically or emotionally capable of taking care of Terrie full time; he believes that her current husband, Terrie's step-father, is disabled and he does not believe Petitioner herself to be in decent physical shape, nor does he believe Petitioner has the patience required to adequately cope with the reality of Terrie's condition;
- For the majority of this past year, he relied primarily upon Terrie's sister, **CHRISTINA RODRIGUEZ**, to watch Terrie while he was working, with Petitioner as an alternate choice; Terrie expressed that she preferred being with Christine as opposed to Petitioner.

**Court Investigator Jo Ann Morris' Report was filed on 9/20/2013.**

**Note:** If petition for conservatorship is granted, Court will set status hearings as follows:

- **Friday, November 1, 2013, at 9:00 a.m. in Dept. 303** for filing proof of bond;
- **Friday, January 31, 2014 at 9:00 a.m. in Dept. 303** for filing of inventory and appraisal; and
- **Friday, November 28, 2013 at 9:00 a.m. in Dept. 303** for filing of first account and/or petition for final distribution.

**Evidentiary Objections to Declaration of Jeff Hendricks was filed by Attorneys for Petitioner Betty Farmer on 9/25/2013.**

**Motion to Strike** contained within and following the *Evidentiary Objections* states: Petitioner Betty Farmer requests the Court strike all portions of the *Declaration of Jeff Hendricks* for which evidentiary objections have been made, and which are granted by the Court.

**Note:** The *Evidentiary Objections* are structured in civil code format and include citations to Evidence Code sections regarding hearsay, lack of personal knowledge and speculation, lack of foundation, and relevance, among other evidentiary objections; based upon this format and that this document is not in typical narrative format of pleadings in Probate matters, the *Evidentiary Objections* and corresponding Paragraphs of the *Declaration of Jeff Hendricks* to which the *Objections* refer have not been outlined here by the examiner.

**Declaration of Dr. Don Yoshimura, M.D. filed confidentially on 9/25/2013 states:**

- He is a member of the Neurology Department at the Fresno Kaiser Medical Center, board certified as a specialist in Neurology;
- He has been a treating physician of the proposed Conservatee, Teresa (Terrie) Hendricks since November of 1999;
- His initial evaluation and treatment for Terrie related to migraine headaches; however, in May of 2011, he was alerted to memory and concentration problems that Terrie was having, and focused my evaluation on these areas;
- Since May of 2011, he has evaluated Terrie for neurological disorders and have treated her for her neurological conditions; more specifically, Terrie suffers from, and he has diagnosed her with, Frontotemporal Dementia (FTD) is caused by progress cell degeneration in the brain's frontal and/or lobes, which control planning and judgment, emotions, speaking and understanding speech, and certain types of movement;
- Based upon his evaluation of Terrie, this progressive cell degeneration has been occurring for at least the past two years;
- He has been informed that documents have been produced which purport to be an Advance Health Care Directive and a Power of Attorney which were signed by Terrie on 6/25/2013;
- Prior to the purported execution of the aforementioned legal documents, he met with and evaluated Terrie on 10/31/2012; based upon his evaluation of Terrie on 10/31/2012, in his medical opinion, it is highly questionable as to whether Terrie possessed the mental capacity to understand the nature, purpose or effect of the aforementioned legal documents on 10/31/2012, as at that time, Terrie was already exhibiting a significant decline in her mental functioning;
- He last me with and evaluated Terrie on 9/13/2013; based upon his evaluation of Terrie on 9/13/2013, in his medical opinion, Terrie did not possess the mental capacity to understand the nature, purpose or effect of the aforementioned legal documents, nor would Terrie have been able to reliably give her consent to the execution of such documents;
- While he cannot state with certitude that Terrie did not possess the requisite mental capacity to execute the aforementioned legal documents on 6/25/2013 because he did not evaluate Terrie's condition on that specific date, based upon the linear progression of the cell degeneration which causes FTD, in his medical opinion, Terrie's ability to consistently comprehend the nature, purpose or effect of the aforementioned legal documents would have been significantly impaired as of the purported 6/25/2013 signing date of those documents, and it is likely that she did not possess the mental capacity to understand the nature, purpose or effect of the aforementioned legal documents on 6/25/2013.

Atty  
AttyO'Neill, Patricia B (for Raymond Lyster -Petitioner-Grandson)  
Fanucchi, Edward L. (Court Appointed for Conservatee)Petition for Appointment of Probate Conservator of the Person and Estate (Prob. C.  
1820, 1821, 2680-2682)

<b>Age: 95</b>		<b><u>TEMPORARY EXPIRES 09/26/13</u></b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>		
		<b>RAYMOND LYSTER</b> , grandson, is petitioner and requests appointment as conservator of the person, with medical consent, and dementia powers to administer dementia medications and for placement in a secured perimeter facility, and Conservator of the estate with bond in the amount of \$15,000.00.  <b>Estimated Value of the Estate:</b> Personal property - \$105,000.00 Annual income - 7,200.00 <b>Total - \$112,200.00</b>  <b>Declaration of Ara Soghomonian, M.D., 08/30/2013.</b>  Voting Rights Affected  Petitioner states that the proposed conservatee has Alzheimer's and is unable to care for herself. She does not know her family, and is not oriented as to time and place. She does not have the ability to manage her finances. There is an annuity valued at \$100,000.00 which is going to be paid out to the proposed conservatee and it is necessary for a conservator to be appointed in order to sign the documents to get the annuity and manage those funds. The proposed conservatee has no cognitive ability to do so.		<b>Minute Order of 09/03/2013: Counsel advises the Court that she has the citation with the notice for the temporary and permanent petitioner ready for filing along with the capacity declaration. The petition is granted with a bond in the amount of \$123,420.00. All prior powers of attorney are ordered revoked.</b>  <b>Court Investigator Advised Rights on 09/18/2013.</b>  <b>Voting Rights Affected Need Minute Order.</b>  1. Need Confidential Supplemental Information.  2. Capacity declaration filed 9/03/2013 does not support the Petitioner's request for placement in a locked or secured-perimeter facility.  3. Capacity declaration filed 09/03/2013 does not support the Petitioner's request to administer dementia medications.		
<b>Cont. from</b>						
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>					
<input checked="" type="checkbox"/>	<b>Verified</b>					
<input type="checkbox"/>	<b>Inventory</b>					
<input type="checkbox"/>	<b>PTC</b>					
<input type="checkbox"/>	<b>Not.Cred.</b>					
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>					
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>					w/
<input type="checkbox"/>	<b>Aff.Pub.</b>					
<input type="checkbox"/>	<b>Sp.Ntc.</b>					
<input checked="" type="checkbox"/>	<b>Pers.Serv.</b>					
<input type="checkbox"/>	<b>Conf. Screen</b>	x				
<input checked="" type="checkbox"/>	<b>Letters</b>					
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>					
<input type="checkbox"/>	<b>Objections</b>					
<input checked="" type="checkbox"/>	<b>Video Receipt</b>					
<input checked="" type="checkbox"/>	<b>CI Report</b>					
<input type="checkbox"/>	<b>9202</b>					
<input checked="" type="checkbox"/>	<b>Order</b>					
<input type="checkbox"/>	<b>Aff. Posting</b>					
<input type="checkbox"/>	<b>Status Rpt</b>					
<input type="checkbox"/>	<b>UCCJEA</b>					
<input checked="" type="checkbox"/>	<b>Citation</b>					
<input type="checkbox"/>	<b>FTB Notice</b>					
		<b>Please see additional page</b>		<b>Reviewed by: LV</b>		
				<b>Reviewed on: 09/23/2013</b>		
				<b>Updates:</b>		
				<b>Recommendation:</b>		
				<b>File 11 - Lyster</b>		

**Court Investigator Julie Negrete's report filed 09/20/2013.**

**Note:** Status hearing will be set as follows:

- Friday, **10/25/2013** at 9:00 a.m., in Department 303 for the filing of the bond.
- Friday, **02/28/2014** at 9:00 a.m., in Department 303 for the filing of Inventory & Appraisal.
- Friday, **12/05/2014** at 9:00 a.m., in Department 303 for the filing of the first account.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.

Petition for Probate for Letters of Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

<b>DOD: 08/02/2013</b>		<b>KAREN HARRISON</b> , daughter is petitioner and requests appointment as Administrator without bond.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		All heirs waive bond and nominate petitioner to administer the estate.	
<b>Cont. from</b>		Full IAEA- o.k.	
	<b>Aff.Sub.Wit.</b>		
✓	<b>Verified</b>	Decedent died intestate	
	<b>Inventory</b>		
	<b>PTC</b>	Residence: Fresno Publication: The Business Journal	
	<b>Not.Cred.</b>		
✓	<b>Notice of Hrg</b>	<b>Estimated value of the Estate:</b> Personal property - \$63,060.00	
✓	<b>Aff.Mail</b>		
✓	<b>Aff.Pub.</b>	Probate Referee: Steven Diebert	
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
✓	<b>Letters</b>		
✓	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
✓	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		

**Note: If the petition is granted status hearings will be set as follows:**

- **Friday, 02/28/2014 at 9:00a.m. in Dept. 303** for the filing of the inventory and appraisal and
- **Friday, 12/05/2014 at 9:00a.m. in Dept. 303** for the filing of the first account and final distribution.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.

<b>Reviewed by:</b> LV
<b>Reviewed on:</b> 09/23/2013
<b>Updates:</b>
<b>Recommendation:</b> Submitted
<b>File</b> 12 - Lane

Re: Status Report from Public Administrator

Age:		<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b><u>CONTINUED TO 11-22-13</u></b>  Per Examiner. Letters have not yet issued to Public Administrator.	
DOD:			
Cont. from			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			<b>Reviewed by:</b> skc
			<b>Reviewed on:</b> 9-20-13
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		File 13B - Martin	



Status Hearing Re: Filing of Proof of Bond or waivers

DOD: 1-15-09		<p><b>JOE HOGG</b> was appointed Administrator with Full IAEA without bond at hearing on 5-28-13 <b>subject to</b> the filing of waivers of bond by Jovanna Augman and Demetrius Augman.</p> <p>However, a waiver from heir Demetrius Augmon was never filed and Letters never issued.</p> <p>On 8-30-13, the Court removed Mr. Hogg and appointed the Public Administrator. The Court ordered Mr. Hogg to provide the Public Administrator any documents that may be requested.</p> <p>The Court set this status hearing for a status report from the Public Administrator.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b><u>CONTINUED TO 10-25-13</u></b></p> <p>Per Examiner. Letters issued to Public Administrator on 9-23-13.</p> <p><u>Note:</u> Status hearings were previously set for 10-25-13 for the filing of the I&amp;A and 7-25-14 for filing the account/petition for final distribution.</p>
Cont. from 071913, 083013			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: skc	
		Reviewed on: 9-23-13	
		Updates:	
		Recommendation:	
		File 14 – Crenshaw	

Atty Keeler, William J.; of Garvey Schubert Barer, Portland OR (for Petitioner Margaret Friesen)  
 Atty Meyer, Kent; Yee, Michael; of Meyer & Yee, Roseville (for Respondent Gregory Friesen)

## Status Hearing Re: Settlement Agreement

<b>Mary Lou DOD:</b> <b>8/17/2007</b>		<b>MARGARET FRIESEN</b> , spouse of Leroy J. Friesen and named Trust Beneficiary, filed an <i>Amended Petition to Construe Trust Provisions; to Remove Trustee; to Compel Trustee to Account; and for Surcharge</i> on 3/19/2013.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Note:</b> Examiner was informed that the Probate Clerk was presented with a <i>Stipulation and Order</i> as a single document for submission in relation to the instant settlement agreement. Probate Clerk was unable to file said <i>Stipulation and Order</i> pursuant to Local Rule 7.7(C), which provides that all ex parte applications shall be accompanied by a separate order complete in itself. A logistical underpinning of this rule is simply that if a stipulation and order is filed as a single document (and for tracking purposes it must be filed rather than merely lodged or receive-stamped), the single-document stipulation and order cannot then be filed again following signature by the Judicial Officer as it has already been filed. Additionally, Probate Court procedure for stipulations and orders is to treat them as ex parte applications for relief based upon the need for clerk intake, examiner review prior to presentation to the Judicial Officer, and then processing of signed orders for entry into Court records, all of which necessitates payment of a <b>\$60.00</b> filing fee pursuant to the Statewide Civil Fee Schedule, Probate Line 149, Government Code § 70657(a)(2). A separate proposed <i>Order</i> should be submitted in conjunction with filing of the <i>Stipulation</i> in this matter in keeping with the standard procedure to which all parties appearing before this Court are held.
<b>Leroy DOD:</b> <b>12/21/2012</b>			
<b>Cont. from</b>		<b>GREGORY L. FRIESEN</b> , son of Leroy and Mary Lou, filed a <i>Response to Petition to Construe Trust Provisions</i> on 5/1/2013.	
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>			
<b>Aff.Mail</b>			
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>		<b>Minute Order dated 8/30/2013</b> from the Settlement Conference states: "Parties reach a resolution as fully set forth by the Court. Parties agree that this resolution will include other matters filed in case #13CECG01807, and dismissals in both cases will be with prejudice. All petitions and objections in Margaret Friesen's pleadings will be withdrawn. Parties will bear their own fees and costs in both matters. The Court will retain jurisdiction. Upon inquiry by the Court, each party individually agrees to the terms and conditions of the settlement. Mr. Yee is directed to advise counsel in the civil matter regarding this settlement. Mr. Keeler is directed to prepare the agreement and order. Matter set for Status Hearing on 9/26/2013. If all terms and conditions of the settlement agreement are fulfilled by 9/26/2013, no appearances will be necessary. The trial date of 9/24/2013 is vacated.	
<b>Citation</b>			
<b>FTB Notice</b>			
		<b>Reviewed by:</b> LEG	
		<b>Reviewed on:</b> 9/24/13	
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 15 - Friesen</b>	

Age: 3 years		<p align="center"><b>THERE IS NO TEMPORARY.</b> <b>No temporary was requested.</b></p> <p><b>BERNICE RODRIGUEZ</b>, maternal grandmother, is petitioner.</p> <p>Father: <b>RODNEY NEWHOUSE</b> – Declaration of Due Diligence filed on 7/23/13.</p> <p>Mother: <b>DANA SANCHEZ</b> – consents and waives notice.</p> <p>Paternal grandparents: Unknown. Maternal grandfather: John F. Sanchez – Declaration of Due Diligence filed on 7/23/13.</p> <p><b>Petitioner states</b> the minor has been diagnosed with autism. Petitioner states she has been instrumental in obtaining services for the minor. Mom has been diagnosed with bi-polar and manic depressive. Mom was in a car accident in which she received a head trauma. After the accident, mom becomes aggressive and violent when stressed. This has made it difficult for her to meet the demands of an autistic child.</p> <p><b>Court Investigator Jennifer Daniel's Report filed on 9/13/13.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>Need proof of personal service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice on: <ol style="list-style-type: none"> <li>Rodney Newhouse (father) <ul style="list-style-type: none"> <li>If Court does not dispense with notice. (<b>Note:</b> Declaration of Due Diligence states Mr. Newhouse is homeless, living in a tent under the freeway.)</li> </ul> </li> </ol> </li> <li>Need proof of service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice on: <ol style="list-style-type: none"> <li>Paternal grandparents <ul style="list-style-type: none"> <li>If Court does not dispense with notice.</li> </ul> </li> <li>John F. Sanchez (maternal grandfather) <ul style="list-style-type: none"> <li>If Court does not dispense with notice.</li> </ul> </li> </ol> </li> </ol>	
<b>Cont. from</b>				
	<b>Aff.Sub.Wit.</b>			
✓	<b>Verified</b>			
	<b>Inventory</b>			
	<b>PTC</b>			
	<b>Not.Cred.</b>			
✓	<b>Notice of Hrg</b>			
✓	<b>Aff.Mail</b>			W/
	<b>Aff.Pub.</b>			
	<b>Sp.Ntc.</b>			
	<b>Pers.Serv.</b>			
✓	<b>Conf. Screen</b>			
✓	<b>Letters</b>			
✓	<b>Duties/Supp</b>			
	<b>Objections</b>			
	<b>Video Receipt</b>			
✓	<b>CI Report</b>			
	<b>9202</b>			
✓	<b>Order</b>			
	<b>Aff. Posting</b>			
	<b>Status Rpt</b>			
✓	<b>UCCJEA</b>			
	<b>Citation</b>			
	<b>FTB Notice</b>			
		<p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 9/23/13</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 16 - Rodriguez</b></p>		

<b>Age: 9 years</b>		<b>KATHRYN L. WALKER</b> , mother, is petitioner.  <b>REBECCA WILKINS</b> , maternal aunt, was appointed guardian on 10/19/2010. – consents and waives notice.  Father: <b>UNKNOWN</b>  Paternal grandparents: unknown Maternal grandfather: Deceased. Maternal grandmother: Garnet Wilkins – consents and waives notice.  Petition does not state why terminating the guardianship is in the best interest of the minor.  <b>Court Investigator Jennifer Daniel's Report filed on 9/10/13</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Petition does not state why terminating the guardianship is in the best interest of the minor.	
<b>Cont. from</b>				
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<input type="checkbox"/>	<b>PTC</b>			
<input type="checkbox"/>	<b>Not.Cred.</b>			
<input type="checkbox"/>	<b>Notice of Hrg</b>			N/A
<input type="checkbox"/>	<b>Aff.Mail</b>			
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<input type="checkbox"/>	<b>Sp.Ntc.</b>			
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<input type="checkbox"/>	<b>Conf. Screen</b>			
<input type="checkbox"/>	<b>Letters</b>			
<input type="checkbox"/>	<b>Duties/Supp</b>			
<input type="checkbox"/>	<b>Objections</b>			
<input type="checkbox"/>	<b>Video Receipt</b>			
<input type="checkbox"/>	<b>CI Report</b>			
<input type="checkbox"/>	<b>9202</b>			
<input checked="" type="checkbox"/>	<b>Order</b>			
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<input type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input type="checkbox"/>	<b>FTB Notice</b>			
			<b>Reviewed by: KT</b>	
			<b>Reviewed on: 9/23/13</b>	
			<b>Updates:</b>	
			<b>Recommendation:</b>	
			<b>File 17 –Watkins</b>	

Sterlyn (15)		NO TEMP REQUESTED	NEEDS/PROBLEMS/COMMENTS:
Zoey (10)			
Wyatt (5)		<b>GARY and NINA MULLER</b> , Paternal Grandparents, are Petitioners.  Father: <b>AARON MULLER</b>  Mother (Sterlyn and Zoey): <b>BELINDA SAMONS</b> - Declarations of Due Diligence filed 7-23-13  Mother (Wyatt): <b>MEGAN MULLER</b> - Declarations of Due Diligence filed 7-23-13  Maternal Grandfather (Sterlyn and Zoey): Les Samons Maternal Grandmother (Sterlyn and Zoey): Helen Samons  Maternal Grandfather (Wyatt): Maternal Grandmother (Wyatt):  Additional sibling (Wyatt): Paetyn Blakely  Minor Sterlyn (15) consents and waives notice.  <b>Petitioners state</b> the father is in jail again. The mother is a drug addict and is unable to provide a home or anything for the kids and cannot be found.  <b>Note:</b> Petitioners had previously filed petitions for temporary and general guardianship of the minors on 7-27-12. Temporary guardianship was granted on 8-9-12, to expire 9-27-12. However, there were no appearances at the hearing on 9-27-12 and the general petition was denied.  Petitioners' Declaration filed 8-21-13 explains that at the time, they made the decision to allow the children to move with the parents (Aaron and Megan) to Spokane, Washington to start a new life away from all the bad associates and stresses here. Petitioners state they seemed to be in pretty good shape and the kids really wanted to go, so they allowed them to move and did not pursue guardianship. However, the kids were returned to them in March 2013 and CPS is now recommending that they pursue guardianship. Attached is a TDM Summary Report dated 7-18-13.  <b>Court Investigator Dina Calvillo filed a report on 9-18-13.</b>	
Aff.Sub.Wit.			
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail	X	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	X	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
✓	Clearances		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		

1. Need Notice of Hearing.

2. Need proof of personal service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing pursuant to Probate Code §1511 on:  
 - Aaron Muller (Father)  
 - Belinda Samons (Mother of Sterlyn and Zoey)  
 - Megan Muller (Mother of Wyatt)

*Note: Petitioners filed Declarations of Due Diligence as to both mothers. Petitioners state the father is in jail and provided a copy of a handwritten letter consenting to guardianship; however, the letter does not waive notice, and Petitioners do not indicate any attempts to have him served.*

3. Need proof of service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing pursuant to Probate Code §1511 on:  
 - Maternal Grandparents of Sterlyn and Zoey (Les Samons and Helen Samons)  
 - Maternal Grandparents of Wyatt (Unknown per Petition)

Reviewed by: skc

Reviewed on: 9-23-13

Updates:

Recommendation:

File 18 - Muller

19 Thaddeus C. Best (Estate)  
 Atty Erlach, Mara M. (for Administrator Katrina Best Kendall)  
 Atty Best, Yvette R. (pro per Petitioner)

Case No. 12CEPR00841

Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

		<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b><u>Continued to 10/30/13</u></b> at the request of Petitioner.</p> <p><b>Note:</b> Katrina Best Kendall was appointed as Administrator of the estate on 11/26/12. Petitioner Yvette Best is now filing a Petition to be appointed as Administrator however there is no vacancy.</p>
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
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Letters		
Duties/Supp		
Objections		
Video Receipt		
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Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		<p><b>Reviewed by:</b> KT</p> <p><b>Reviewed on:</b> 9/23/13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 19 - Best</b></p>

Objection to Conservatorship / Petition to Discontinue Conservatorship Over Atha Lee Williams

Age: 87		<b>FRESNO COUNTY PUBLIC GUARDIAN</b> was appointed Conservator of the Person and Estate of Atha Lee Williams at hearing on 7-31-13.  <b>On 8-9-13</b> , Notice of Appeal to 5th District Court of Appeal of Judgment / Order filed by <b>ALVIN LEE WILLIAMS</b> .  <b>However, on 8-12-13, ALVIN LEE WILLIAMS</b> , Son, filed "Objection to Conservatorship / Petition to Discontinue Conservatorship," which was set for regular hearing in this Probate department on 9-26-13.  <b>Petitioner states</b> his mother wants to come home and he will be her guardian. Petitioner refers to Probate Code and states the court is required to inform the proposed Conservatee. She was not given that right. Under probate code there was no standard of proof and clear and convincing evidence. Also under Probate Code, she was not given the right or to give a testimony. When a Conservatee stipulates to the appointment of a conservator, the court is still required to consult with the Conservatee on the record to instruct her on the consequences of the stipulation and obtain her consent. Citations provided. They took the right from her. She has the right to oppose the proceeding to have the matter of the establishment of the conservatorship tried by a jury under the Probate Code was also taken away from her. She wanted to go to court and speak for herself. She doesn't want them taking over her estate.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u><b>Note:</b></u> Attorney Flora Istanboulia was Court appointed to represent the Conservatee on 6-21-13.  <u><b>Minute Order 7-31-13:</b></u> Ms. Istanboulia objects to the petition on behalf of the Conservatee. The Court accepts the capacity declaration with the Dementia attachment which counsel will be filing. Ms. Harper is sworn for further inquiry by the Court. The Court believes that it is in the best interest of Atha Williams to have a conservator appointed. The petition is granted. The Court directs Ms. Istanboulia to remain as counsel for the Conservatee. Set on: 1/10/14 at 9 am in Dept. 303 for: Status Hearing Re: Filing of the Inventory and Appraisal. Additional hearing dates: 1/9/15 at 9 am in Dept. 303 for: Status Re: First Account. Petition is granted. Order to be signed ex parte.  1. <b>Notice of Hearing was not served on County Counsel, the attorney for the Conservator, pursuant to Probate Code §1214.</b>	
	Aff.Sub.Wit.			
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	Inventory			
	PTC			
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✓	Notice of Hrg			
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	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			X
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	Citation			
	FTB Notice			

Petition for Appointment of Guardian of the Estate (Prob. C. 1510)

Age: 17 years		<p><b>THERE IS NO TEMPORARY.</b> <b>No Temporary was requested.</b></p> <p><b>CELIA ESPINO</b>, mother, is petitioner.</p> <p>Father: <b>NOT LISTED.</b></p> <p>Paternal grandparents: Not listed. Maternal grandparents: Not listed.</p> <p>Estimated value of the estate: \$0</p> <p>Petition does not state why a guardianship of the estate is necessary.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>Petition does not state why a guardianship of the estate is necessary.</li> <li>Petition states the estimated value of the estate is \$0. –Need estimated value of the estate.</li> <li>Petition does not address bond or blocked account.</li> <li>Petition does not indicate whether or not the minor has Native American Ancestry at #1c of the Child Information Attachment.</li> <li>Petition does not list the names and addresses of the father, paternal grandparents and maternal grandparents.</li> <li>#8 of the Child Information Attachment is blank re: Indian child inquiry.</li> <li>Need Notice of Hearing</li> <li>Need proof of personal service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on: <ol style="list-style-type: none"> <li>Father</li> </ol> </li> <li>Need proof of service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on: <ol style="list-style-type: none"> <li>Paternal grandparents</li> <li>Maternal grandparents</li> </ol> </li> </ol>	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
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<p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 9/23/13</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 21 -Ibarra</b></p>				



Age: 16 years		<p><b>THERE IS NO TEMPORARY.</b> No Temporary was requested.</p> <p><b>CELIA ESPINO</b>, mother, is petitioner.</p> <p>Father: <b>TIBURCIO IBARRA</b></p> <p>Paternal grandfather: Antonio Ibarra – deceased Paternal grandmother: Tiodora Ibarra – deceased. Maternal grandfather: Francisco Espino Maternal grandmother: Ilaria Valdovinos – deceased.</p> <p>Estimated value of the estate: \$0</p> <p>Petition does not state why a guardianship of the estate is necessary.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>10. Petition does not state why a guardianship of the estate is necessary.</p> <p>11. Petition states the estimated value of the estate is \$0. –Need estimated value of the estate.</p> <p>12. Petition does not address bond or blocked account.</p> <p>13. Petition does not indicate whether or not the minor is a member of a Indian tribe at 1c(1) of the Child Information Attachment.</p> <p>14. Petition states the minor is an Indian child at #1c(2) of the Child Information Attachment therefore need <i>Notice of Child Custody Proceeding for Indian Child</i>.</p> <p>15. Petition does not list the names and addresses of the father, paternal grandparents and maternal grandparents.</p> <p>16. #8 of the Child Information Attachment is blank re: Indian child inquiry.</p> <p>17. Need Notice of Hearing</p> <p>18. Need proof of personal service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on: b. Tiburcio Ibarra (father)</p> <p>19. Need proof of service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on: c. Francisco Espino (maternal grandfather)</p> <p><b>Please see additional page</b></p>	
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	Inventory			
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	Not.Cred.			
	Notice of Hrg			X
	Aff.Mail			X
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	Sp.Ntc.			
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✓	Duties/Supp			
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	FTB Notice			
<p><b>Reviewed by:</b> KT</p> <p><b>Reviewed on:</b> 9/30/13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 22 - Ibarra</b></p>				

20. Because the Petition indicates the child is an Indian child, the *Notice of Child Custody Proceeding for Indian Child* (Form ICWA-030), must be served, together with copies of petition and all attachments, including this form, on the child's parent; any Indian custodian; any Indian tribe that may have a connection to the child; the Bureau of Indian Affairs (BIA), and possibly the U.S. Secretary of the Interior, by certified or registered U.S. Mail, return receipt requested. (Please see Probate Code 1460.2, and CA Rules of Court 7.1015)
- a. Per item 5 above, Petitioners will need to return the completed copy of the *Notice of Child Custody Proceeding for Indian Child* to the probate clerk. The probate clerk will then mail the notice to the required agencies as required.
  - b. After mailing, per item 11 above, need proof of service of notice, including copies of the notices sent and all return receipts and responses received, pursuant to Probate Code 1460.2(d).